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AUG 29 2008

In re Application of :
McDougall, et. al. :
Application No. 10/528,146 : ON PETITION
Filed: February 6, 2007 :
Attorney Docket No. 469.1118 :
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 23, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to submit an oath or declaration in compliance with 37 CFR 1.67(a) in a timely manner in reply to the Notice of Allowability, mailed July 26, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on October 27, 2007. A Notice of Abandonment was mailed April 23, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

In regards to item (1), above, the declaration filed with the petition does not meet the requirements of 37 CFR 1.63 because it contains uninitialialed/undated alterations.¹ Specifically, there are undated alterations in the signature block for joint inventors McDougall and Slade. A new oath or declaration in compliance with 37 CFR 1.63 and 1.67, listing the residence, mailing address and citizenship of all of the inventors and signed by the inventors to whom the corrections pertain (i.e., joint inventors McDougall and Slade) must be provided with any renewed petition.

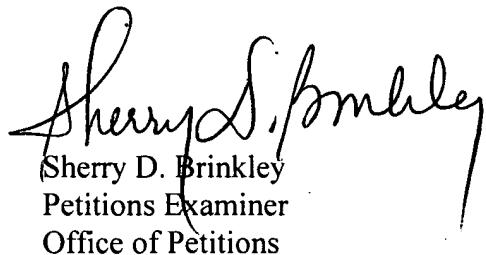
Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
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By hand: U. S. Patent and Trademark Office
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401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-



Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ See 37 CFR 1.52 (c).